

SEP 28 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY: *J. Craft*  
DEPUTY CLERK

LAWRENCE PATTERSON, JR.,

Petitioner,

v.

SHERIFF LANE PERRY,  
COMMONWEALTH OF VIRGINIA,

Respondent.

)  
)  
)  
) Case No. 7:09CV00398  
)  
)  
) FINAL ORDER  
)  
) By: Glen E. Conrad  
) United States District Judge  
)

In accordance with the accompanying memorandum opinion, it is hereby

**ORDERED**

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing § 2254 Cases, based on petitioner's failure to exhaust state court remedies, and this action is stricken from the active docket of the court.

ENTER: This 28<sup>th</sup> day of September, 2009.

*Glen E. Conrad*

United States District Judge